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9 Attorneys for Plaintiffs

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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION  
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15 ANGEL FRALEY; PAUL WANG; SUSAN  
MAINZER; JAMES H. DUVAL, a minor,  
16 by and through JAMES DUVAL, as  
Guardian ad Litem; and W. T., a minor, by  
17 and through RUSSELL TAIT, as Guardian  
ad Litem; individually and on behalf of all  
18 others similarly situated,

19 Plaintiffs,

20 v.

21 FACEBOOK, INC., a corporation; and  
22 DOES 1-100,

23 Defendants.  
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**Case No. CV 11-01726 LHK**

**[PROPOSED] ORDER  
GRANTING CLASS  
CERTIFICATION**

Date: May 24, 2012

Time: 1:30 p.m.

Courtroom: 8

Judge: Hon. Lucy H. Koh

Trial Date: December 3, 2012

1 On May 24, 2012, the Motion for Class Certification of Plaintiffs and proposed Class  
2 representatives Susan Mainzer, James H. Duval through his guardian ad litem James Duval,  
3 and W. T., through his guardian ad litem Russell Tait, ("Plaintiffs") came on for hearing before  
4 the Court.

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6 The Court reviewed the Notice of Motion, the Memorandum of Law in Support, the  
7 Declarations of Robert S. Arns, Steven R. Weinmann, Kevin M. Osborne, Jonathan M. Jaffe,  
8 Vincent Alberico, Richard Drogin, Gary Frazier, Fernando Torres, and David Taber.

9 The Motion seeks an Order: (1) certifying the proposed Class, as defined below under  
10 Rule 23(b)(3) of the Federal Rules of Civil Procedure, (2) appointing Plaintiffs Susan Mainzer,  
11 James H. Duval through his guardian ad litem James Duval, and W.T. through his guardian ad  
12 litem Russell Tait, as Class Representatives and (3) appointing their counsel as Class Counsel.

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14 Having read and considered the briefing and supporting documents, and the arguments  
15 of counsel, the Court grants the Motion in all respects. The Court hereby FINDS and ORDERS:

- 16 1. The Class is ascertainable; its members are too numerous to be joined  
17 practicably; the Action raises common legal and factual questions; the Class  
18 Representative's claims are typical of the claims of the Class as a whole; the  
19 Class Representatives and Class Members share a community of interest in  
20 the Action; and neither the Class Representatives nor Class Counsel have  
21 interests adverse to the Class; Class Counsel are competent and experienced;  
22 common questions predominate over questions affecting only individual  
23 members of the Class; and that the Action is the best, if not the only, means  
24 for resolving the claims of Class Members expeditiously and economically.  
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1 2. Plaintiffs Susan Mainzer, James H. Duval by his guardian ad litem James  
2 Duval, and W.T. by his guardian ad litem Russell Tait, are hereby appointed  
3 as Class Representatives to represent the proposed Settlement Class, because  
4 the Settlement Class satisfies the requirements of Rules 23(a), (b), and (c) of  
5 the Federal Rules of Civil Procedure. James H. Duval and W.T. are further  
6 appointed as representatives of the Minor Subclass  
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8 3. The Settlement Class is hereby conditionally certified, defined as follows:

9 **Plaintiff Class.** The class sought to be represented is defined as follows:

10 All natural persons in the United States who had an account registered on  
11 facebook.com at any time since January 24, 2011, and had their names,  
12 photographs, likenesses or identities associated with that account used in a  
13 Facebook Sponsored Stories advertisement ("the Class").  
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15 **Subclass of Minors.**

16 All persons in the Plaintiff Class who additionally have had their names,  
17 photographs, likenesses or identities used in a Facebook Sponsored Stories ad  
18 while under 18 years of age ("the Minor Subclass").  
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20 4. Excluded from the Class are (a) FACEBOOK, its officers and directors, legal  
21 representatives, successors or assigns; (b) any entity in which FACEBOOK has or  
22 had a controlling interest; (c) the judge to whom this case is assigned and the judge's  
23 immediate family; and (d) any juror selected to hear this case.  
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1 5. Class Counsel The Arns Law Firm, Robert S. Arns, Jonathan E. Davis, and  
2 Steven R. Weinmann, and Jonathan Jaffe of Jonathan Jaffe Law, are hereby  
3 appointed to represent the Settlement Class.  
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5 **IT IS SO ORDERED.**

6 Dated: May \_\_\_\_\_, 2012  
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10 Hon. Lucy H. Koh  
11 United States District Court Judge  
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